

Susca  
Sweet Farms  
Flores Santa Rosa Ltda.  
Floricola la Ramada Ltda.  
Agropecuaria Sierra Loma  
Tag Ltda.  
The Beall Company  
The Rose  
Tinzuque Group  
Tinzuque Ltda.  
Catu S.A.  
Tomino  
Toto Flowers Group  
Flores de Suesca S.A.  
Toto Flowers  
Tropical Garden  
Tuchany Group  
Tuchany S.A.  
Flores Sibate  
Flores Tikaya  
Flores Munya  
Uniflor Ltda.  
Vegaflor  
Velez de Monchaux Group  
Velez De Monchaux e Hijos y Cia S.  
en C.  
Agroteusa  
Victoria Flowers  
Villa Cultivos Ltda.  
Villa Diana  
Vuelven Ltda.  
Zipa Flowers

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 C.F.R. 353.34(b) and 355.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(I) and 355.22(c)(I).

Dated: April 9, 1997.

**Richard W. Moreland,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 97-9656 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-804]

#### Silicon Metal from Argentina: Notice of Court Decision

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Court Decision.

**SUMMARY:** On March 28, 1997, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination that energy is physically

incorporated into silicon metal during the production process and its consequent upward adjustment to U.S. price for those taxes imposed on the incorporated energy.

**EFFECTIVE DATE:** April 15, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Carole Showers or Elizabeth Graham, Office of Antidumping/Countervailing Enforcement I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3217 or (202) 482-4105.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 14, 1993, in *Silicon Metal From Argentina; Final Results of Antidumping Duty Administrative Review*, 58 FR 65336, the International Trade Administration (ITA) made an upward adjustment to U.S. price for the rebate of various taxes under the *Reembolso* program, including taxes on electrical energy. In *American Alloys, Inc. versus United States*, 30 F.3d 1469, 1474 (Fed. Cir. 1994) (*American Alloys III*), the Federal Circuit reversed the lower court's holding in *American Alloys, Inc. versus United States*, 810 F. Supp. 1294 (CIT 1993) (*American Alloys I*), and held that U.S. price may not be adjusted for a rebated tax unless it is determined that the rebated tax bears a direct relationship to the exported product or a physically incorporated component of that product. Pursuant to the Federal Circuit's opinion, the CIT remanded the case to Commerce to make such a determination with respect to the taxes in question. On August 17, 1995, Commerce submitted the results of its redetermination on remand to the CIT wherein it made an upward adjustment to U.S. price for taxes paid on energy which it found to be physically incorporated into the subject merchandise. The CIT affirmed those remand results in *American Alloys, Inc. versus United States*, Slip Op. 97-37 (CIT Mar. 28, 1997) (*American Alloys IV*).

In its decision in *Timken Co. versus United States*, 893 F.2d 337 (Fed. Cir. 1990), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *American Alloys IV* on March 28, 1997, constitutes a decision not in harmony with the Department's

final results of administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: April 8, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-9658 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of application to amend certificate.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued. Applicant has requested expedited review.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be